

REMARKS

Claim 4 remains rejected under 35 U.S.C. Section 112, second paragraph as being indefinite in that the phrase “combinations thereof” is recited. The Examiner states, in the final three sentences on page 2 of the final Office Action, as follows:

“However, according to the specification, there is no description as to what kind of base is mixed with another kind of base. Therefore, the phrase “combinations thereof” is unclear. Therefore an appropriate correction is required.” (Emphasis added.)

Claim 4 recites nothing about bases or mixing of one kind of base with another kind of base. Claim 4 is directed to the inert carrier component of the invention, not the base component of the invention. Claim 4 has been amended to put it into proper Markush form. There is nothing indefinite about claiming combinations of two or more inert carriers that are disclosed in the specification as suitable alternatives for the inert carrier component. Those skilled in the art will immediately recognize that a teaching of a plurality of inert carriers also teaches the use of combinations of those carriers.

Reconsideration and withdrawal of the 112 rejection of claim 4 is respectfully requested.

Claim 1 remains rejected under 35 U.S.C. Section 103. This ground of rejection is traversed for all of the reasons recited in the previous amendments and remarks. The size distribution of the granular product of the present invention is presented in Tables 1-5 of the specification. To further clarify the present invention from the teachings of Moore, the primary reference, the term “granular” has been added to section (c) of claim 1. This further distinguishes Moore in that the Moore process requires comminution of his adhesive product in order to produce granules (e.g., column 4, lines 13-27, and particularly: *“The comminution requires substantial amounts of shear power and is best done by the mechanical shear between two surfaces running in opposite directions close to each other.”*). Only after this aggressive comminution step does the process of Moore result in a product with a size distribution approaching that of the “granular organic acid salt product” of the present invention. For example, in Example 1, after aggressive comminution, the particle size distribution was that 75% of the product granules were in the 10-40 U.S. Sieve size range (corresponding to a diameter of between about 2 and about 0.425 mm). Thus, the Moore process results in a product that can properly be characterized as “granular” only after aggressive comminution, whereas the process of the

present invention results immediately in a "granular" product. The process as defined in the present claims is not made obvious by a teaching of a process that results in a product that is not granular until after it has been subjected to an additional step. Reconsideration and withdrawal of the 103 rejection is respectfully requested.

The amendment to claim 1 is being presented to put the claims in better condition for appeal. In the event the Examiner does not find claim 1 to be patentable over the prior art of record, entry of the amendment to claim 1 is respectfully requested for the purposes of appeal of this case.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1, and 3-13, as amended, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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